

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**LARRY E. EALY,**

**Case No. 3:-09-cv-010**

**Plaintiff,**

**-vs-**

**District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz**

**VISITING JUDGE JAMES E. RUPPERT,  
et al.,**

**Defendants.**

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**ENTRY AND ORDER OVERRULING EALY'S OBJECTIONS (Doc. #7)  
AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATIONS REGARDING SERVICE OF PROCESS ON  
JUDGE RUPPERT AND PROSECUTOR KING (Doc. #3) IN ITS  
ENTIRETY**

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This matter is before the Court pursuant to Magistrate Judge Merz's Report and Recommendations (doc. #3) regarding the Verified Complaint filed by Pro Se Plaintiff Larry E. Ealy ("Ealy"). This particular Complaint is against Visiting Judge James D. Ruppert ("Judge Ruppert"), Prosecuting Attorney Addie Jane King ("Prosecutor King"), the Registrar of the Ohio Bureau of Motor Vehicles and two City of Dayton Police Officers. The Complaint alleges violations of 42 U.S.C. §§ 1983, 1985 and 1986 and the Freedom of Information Act. Upon review of the Complaint, Magistrate Judge Merz determined that no process should issue as to Judge Ruppert and Prosecutor King without further order of the Court because both are entitled to absolute immunity.

The District Judge has made a de novo review of the record and applicable legal authority on this matter pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b). The record reviewed includes Ealy's Objections to the Magistrate Judge's Report and Recommendations.

Upon consideration of the foregoing, the Court finds that Judge Ruppert and Prosecutor King are entitled to absolute immunity. Ealy's Objections lack merit and are, therefore **OVERRULED**.

The Magistrate Judge's Report and Recommendations (doc. #3) is adopted in its entirety. No process shall issue as to Judge Ruppert or Prosecutor King without further order of the Court.

**DONE and ORDERED** in Dayton, Ohio, this Twenty-Third day of February, 2009.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

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